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RECEIVED

December 23, 2002

DEC 23 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, N.W.
Washington, DC 20554

Re: Petition to Intervene
WMGA(AM), Moultrie, Georgia
Facility ID No. 54680 FRN: 0007570443
EB Docket No. 02-367
EB-01-1H-0259

Dear Ms. Dortch:

Transmitted herewith on behalf of Douglas M. Sutton, Jr. is an original and four (4) copies of his Petition to Intervene.

Should any questions arise in this matter, please contact the undersigned directly

Respectfully submitted


Joan Stewart

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DEC 23 2002

Before the
Federal Communications Commission
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Radio Moultrie, Inc.

Licensee of Station WMGA(AM),
Moultrie, Georgia

)
) EB Docket No. 02-367
) EB-01-IH-0259
) Facility #54680
) FRN #0007570443
)
)

To: The Commission

PETITION TO INTERVENE

Douglas M. Sutton, Jr., by his attorneys, pursuant to Section 1.223(b) of the Commission's Rules, through this Petition to Intervene hereby seeks to intervene in the above-referenced proceeding for the limited purpose of correcting the record to show that Mr. Sutton holds no present ownership interest in Radio Moultrie, Inc. ("RMI") nor has held any such interest since 1992.'

On November 26, 2002, the Commission issued its Order to Show Cause and Notice of Opportunity for Hearing ("Hearing Order") to begin the hearing process to determine if, among other things, the license for WMGA(AM) should be revoked for failure to comply with Section 310(d) of the Communications Act of 1934, as amended, and Section 73.3540 of the Commission's rules.

Paragraph 4 of the Hearing Order states that RMI was the licensee of WMGA(AM) since approximately September 6, 1991. The corresponding footnote 6 states that this was the date the Commission granted a transfer of control application for WMGA's license to Dr. James Charles

¹ This Petition is timely filed. The Order to Show Cause and Notice of Opportunity for Hearing was released on November 26, 2002.

Elder, Sr., G. Chris Elder, and Douglas M. Sutton, Jr. (emphasis added). This footnote leaves the erroneous impression that Mr. Sutton is today an owner of RMI.

Rather, Mr. Sutton sold his ownership interest in RMI to the remaining two shareholders more than ten years ago in 1992. The shareholders filed for Commission approval of this sale in FCC File No. BTC-920730EA. The Commission granted this application on September 29, 1992 and the transaction was subsequently consummated by the shareholders. A copy of the Commission grant of this transfer of control application is attached as Exhibit A. In accordance with Section 73.3615(c) of the Commission's Rules, an ownership report was filed with the Commission reflecting the consummation of the transfer of control showing only James Charles Elder, Sr. and G. Christopher Elder as shareholders of RMI. This ownership report is attached as Exhibit B.

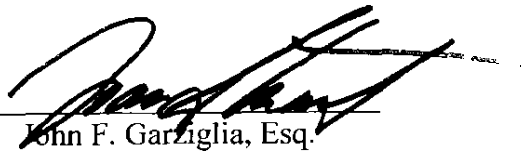
Accordingly, Mr. Sutton requests the right to intervene in this proceeding for the limited purpose of requesting that the Commission make the Commission documents in Exhibit A and Exhibit B of which official notice may be taken a part of the record in this proceeding, and further to request that any order or decision released as a result of this proceeding reflect that since September 1992 Mr. Sutton has had no ownership interest in Radio Moultrie, Inc.

WHEREFORE, for the reasons above, Mr. Sutton requests the right to participate in this proceeding for the limited purpose of correcting the record.

Respectfully submitted,

DOUGLAS M. SUTTON. JR.

By: _____

A handwritten signature in black ink, appearing to read "John F. Garziglia", is written over a horizontal line.

John F. Garziglia, Esq.

Joan Stewart, Esq.

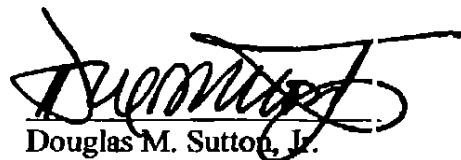
His Attorneys

Womble Carlyle Sandridge & Rice, PLLC
1401 I Street N.W., Seventh Floor
Washington D.C. 20005
Tel: 202-467-6900 / Fax: 202-467-6910

December 23.2002

Declaration of Douglas M. Sutton Jr.

I, Douglas M. Sutton, Jr. hereby certify under penalty of perjury that I have personal knowledge of *the* facts presented in the attached Petition to Intervene. The facts presented therein are true and accurate to the best of my knowledge. Executed on December 23, 2002.



Douglas M. Sutton, Jr.

Exhibit A

Commission grant of
BTC-920730EA

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON DC 20554

SEPTEMBER 30, 1992

IN REPLY REFER TO

RADIO MOULTRIE, INC.
TIFTON HIGHWAY
MOULTRIE, GA 31776

8910

Call Letters: WMGA
Date Granted: SEP 29 1992
File Number(s) BTC-920730EA

NOTICE TO LICENSEE/PERMITTEE:

Enclosed is FCC Form 732 mailed to the seller and buyer notifying them of Commission consent to the transfer of stock of the Corporation. voluntary transfers **are** required to be completed by the licensee/permittee within sixty (60) **days** of the date granted.

In addition to filing the below mentioned FCC Form 323, you are required to **immediately** notify **this** office (8910), **by letter**, **as to the exact date** of the consummation; that is, the date on which the acts necessary to effect the transfer **were** completed. If you *are* unable to consummate the transaction within *the prescribed* sixty (60) day period, you are required to contact the AM Branch and request an extension of time to effectuate the consummation; if you decide not to consummate the transaction, you must also notify the AM Branch of **this** decision immediately. In addition, you **must** inform the AM Branch if the station(s) involved were silent prior to consummation and are resuming **broadcasting** after the consummation or if the station will remain silent for a period after consummation.

Within **thirty** (30) days after the consummation of the transfer it will be necessary for you to submit **an** Ownership Report (FCC Form 323) reporting all changes as required by Section 73.3615 of the Rules. Where applicable, a separate **Ownership** Report should also be completed and submitted for any **holding company** (25% or **greater** ownership interest) of the licensee/permittee. Contractual information required by Section 73.3613 not currently **reported** or on file with **the** Commission should be fully reported in **Item 6**, page one of the Ownership Report and copies of each **instrument** should be submitted with the report. If **this** is an involuntary transfer that was a result of a death or court action, an Ownership Report must be filed to determine **that** all requirements of the Rules have been met and **reported**.

It **is** of the utmost importance that all Commission correspondence comes to the immediate attention of the permittee or licensee. Only one mailing address can be maintained for each station. Unless we hear from you to the contrary, the **above** address will be used as your permanent mailing address.

Enclosures
cc: Ownership

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

File No(s): BTC-920730EA

Class of station(s): AM

<input type="checkbox"/> CONSENT TO ASSIGNMENT: <input type="checkbox"/> CONSENT TO TRANSFER CONTROL: <input type="checkbox"/> CONSENT TO TRANSFER STOCK: Whereby of Control by is effected.	FROM: JAMES CHARLES ELDER, SR., G. CHRISTOPHER ELDER AND DOUGLAS M. SUTTON, JR. TO: JAMES CHARLES ELDER, SR. AND G. CHRISTOPHER ELDER
Licensee/Permittee: <i>(for transfer only)</i> RADIO MOULTRIE, INC.	

CALL SIGN(S)

STATION LOCATION(S)

WMGA

MOULTRIE, GA

Under authority of the Communications Act of 1934, as amended, the consent of the Federal Communications Commission is hereby granted to the transaction indicated above.

The Commission's consent to the above is based on the representations made by the applicants that the statements contained in, or made in connection with, the application are true and that the undertakings of the parties upon which this transaction is authorized will be carried out in good faith.

The actual consummation of voluntary transactions shall be completed within 60 days from the date hereof, and notice in letter form thereof shall promptly be furnished the Commission by the buyer showing the date the acts necessary to effect the transaction were completed. Upon furnishing the Commission with such written notice, this transaction will be considered completed for all purposes related to the above described station(s).

FCC Form 323, Ownership Report, must be filed within 30 days after consummation, by the licensee/permittee or assignee.

ADDITIONAL REQUIREMENTS FOR ASSIGNMENTS ONLY:

Upon consummation the assignor must deliver the permit/license, including any modifications thereof to the assignee.

It is hereby directed that, upon consummation, a copy of this consent be posted with the station authorization(s) as required by the Commission's Rules and Regulations.

The assignee is not authorized to construct nor operate said station(s) unless and until notification of consummation in letter form has been forwarded to the Commission.

Dated: SEP 29 1992

(FOR) CHIEF A.M. BRANCH, AUDIO SERVICES DIVISION, MASS MEDIA BUREAU

Handwritten signature



FEDERAL
COMMUNICATIONS
COMMISSION

TME

FCC Form 732-AM
August 1991

FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION AM

TME

The following application is submitted for action by the Chief, Broadcast Bureau

ST	FILE NUMBER	CALL	APPLICANT AND LOCATION	NATURE OF APPLICATION
GA	BTC -920730EA	WMGA 1130KHZ	RADIO MOULTRIE, INC. MOULTRIE GA	VOL TO FROM JAMES CHARLES ELDER, SR., G. CHRISTOPHER ELDER AND DOUGLAS M. SUTTON, JR. TO JAMES CHARLES ELDER, SR. AND G. CHRISTOPHER ELDER FORM 316 <div style="text-align: right;">ATTY. MARK VAN BERGH</div>


LICENSE EXPIRATION DATE APR 1, 1996

CHIEF, LICENSE DIVISION

RECOMMENDATION. GRANT ☒ CONSTRUCTION DATES, START _____ END _____
 CONTESTED ☐ UNCONTESTED ☒

APPROVED _____

SEP 29 1992



FOR CHIEF, BROADCAST BUREAU

F.C.C.-WASHINGTON, D.C.

Exhibit B

Ownership Report

CERTIFICATION

I certify that I am Vice President
(Official title, see instruction 1)
of Radio Moultrie, Inc.
(Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief
all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Item 1 and
in no event prior to Item 1 date):

(Signature)

(Date)

19 92

Ownership Report

NOTE: Before filling out this form, read attached instructions

Section 310(d) of the Communications Act of 1934 requires that consent
of the Commission must be obtained prior to the assignment or transfer of
control of a station license or construction permit. This form may not be used
to report or request an assignment of license/permit or transfer of control
(except to report an assignment of license/permit or transfer of control made
pursuant to prior Commission consent).

1. All of the information furnished in this Report is accurate as of

October 20 19 92

(Date must comply with Section 73.3616(a), i.e., information must be
current within 60 days of the filing of this report, when 1(a) below is
checked.)

This report is filed pursuant to instruction (check one)

1(a) ☒ Annual 1(b) ☒ Transfer of
Control or
Assignment
of License 1(c) ☐ Other

for the following stations:

Call Letters	Location	Class of service
WMGA	Moultrie, Georgia	AM

Telephone No. of respondent (include area code):

(404) 786-1430

Any person who willfully makes false statements on this report can be punished
by fine or imprisonment. U.S. Code, Title 18, Section 1001.

Name and Post Office Address of respondent:

Radio Moultrie, Inc.
Post Office Box 869
Covington, Georgia 30209

4. Name of entity, if other than licensee or permittee, for which report is filed
(see instruction 3):

N/A

2. Give the name of any corporation or other entity for whom a separate
Report is filed due to its interest in the subject licensee (See instruction 3):

N/A

3. Show the attributable interests in any other broadcast station of the
respondent. Also, show any interest of the respondent, whether or not
attributable, which is 5% or more of the ownership of any other
broadcast station or any newspaper or CATV entity in the same market
or with overlapping signals in the same broadcast service, as described
in Sections 73.3535 and 76.501 of the Commission's Rules.

None

5. Respondent is:

- ☐ Sole Proprietorship
☒ For-profit corporation
☐ Not-for-profit corporation
☐ General Partnership
☐ Limited Partnership
☐ Other:

If a limited partnership, is certification statement included as in instruction 6:

☐ Yes ☐ No

Person
1-28-92

otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument

Agreement (on file BTC-920730EA)

No Other Changes

Name of person or organization with whom contract is made

Douglas M. Sutton, Dr. James Charles Elder, Sr., G. Christopher Elder

Date of Execution

8/19/92

7. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises the de facto control over the subject licensee or permittee, shall respond.)

Class of Stock (Preferred, common or other)

No Changes

Voting or Non-voting

Authorized

Number of Shares

Issued and Outstanding

Treasury

Unissued

marks concerning family relationships, attribution exemptions and certifications. (See Instructions 4, 5 and 6)

Dr. James Charles Elder, Sr. is the father of G. Christopher Elder.

List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Attach additional pages, if necessary. See instructions on pages 5, 6, and 7.

(Read Carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of officer, director, cognizable stockholder or partner (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interest.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.
8. All other ownership interests of 5% or more (whether or not attributable as well as any corporate officer's or directorship in broadcast, cable or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 78.50 of the Commission's Rules, including the nature and size of such interest and the position held.

1	(a) Dr. James Charles Elder 108 Oak Ridge Drive Sylvania, GA 30467	(b) G. Christopher Elder 1140 Milstead Avenue Conyers, GA 30207	(c)
2	410	430	
3	410	430	
4	48.8%	51.2%	
5	Officer, director and 48.8% stockholder of Radio Covington, Inc., WGFS (AM), Covington, GA	Officer, director and 51.2% stockholder of Radio Covington, Inc., WGFS (AM), Covington, GA	
6		None	

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this Report is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to assess compliance with the Commission's multiple ownership restrictions. The staff, consisting variously of attorneys and examiners, will use the information to determine such compliance. If all the information requested is not provided, processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to retain your authorization.

Certificate of Service

I, Regina McFadden, a secretary with the law firm of Womble Carlyle Sandridge & Rice, PLLC, do hereby certify that a true and correct copy of the foregoing "Petition to Intervene" was served by U.S. mail, first-class, postage prepaid this 23rd day of December 2002, on the following individuals:

Radio Moultrie, Inc.
1151 Hendricks Street
Covington, GA 30209

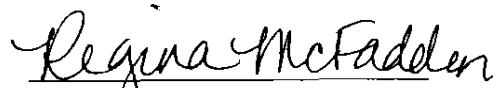
Mr. G. Chris Elder
1140 Milstead Avenue
Conyers, Georgia 30012

Mr. Gary A. Mitchell d/b/a Dixie Broadcasting, Inc.
30 North Norton Avenue
Sylacauga, Alabama 35150

Mr. Aubrey Smith
P.O. Box 2239
Tifton, Georgia 31793

Sam and Gracie Zamarron
P.O. Box 2239
Tifton, Georgia 31793

*Enforcement Bureau (202) 418-2080
Attn: James Shook
445 12th Street, SW
Washington D.C. 20554


Regina McFadden

*via facsimile and mail.